

***Effective 1/1/2016***

***Superseded 5/10/2016***

**31A-33-107 Duties of board -- Creation of subsidiaries -- Entering into joint enterprises.**

(1) The board shall:

- (a) appoint a chief executive officer to administer the Workers' Compensation Fund;
- (b) receive and act upon financial, management, and actuarial reports covering the operations of the Workers' Compensation Fund;
- (c) ensure that the Workers' Compensation Fund is administered according to law;
- (d) examine and approve an annual operating budget for the Workers' Compensation Fund;
- (e) serve as investment trustees and fiduciaries of the Injury Fund;
- (f) receive and act upon recommendations of the chief executive officer;
- (g) develop broad policy for the long-term operation of the Workers' Compensation Fund, consistent with its mission and fiduciary responsibility;
- (h) subject to Chapter 19a, Part 4, Workers' Compensation Rates, approve any rating plans that would modify a policyholder's premium;
- (i) subject to Chapter 19a, Part 4, Workers' Compensation Rates, approve the amount of deviation, if any, from standard insurance rates;
- (j) approve the amount of the dividends, if any, to be returned to policyholders;
- (k) adopt a procurement policy consistent with the provisions of Title 63G, Chapter 6a, Utah Procurement Code;
- (l) develop and publish an annual report to policyholders, the governor, the Legislature, and interested parties that describes the financial condition of the Injury Fund, including a statement of expenses and income and what measures were taken or will be necessary to keep the Injury Fund actuarially sound;
- (m) establish a fiscal year;
- (n) determine and establish an actuarially sound price for insurance offered by the fund;
- (o) establish conflict of interest requirements that govern the board, officers, and employees;
- (p) establish compensation and reasonable expenses to be paid to directors on the board subject to the requirements of Section 31A-33-106, so that the board may not approve compensation that exceeds the amount described in Subsection 31A-33-106(17)(a)(i)(B); and
- (q) perform all other acts necessary for the policymaking and oversight of the Workers' Compensation Fund.

(2) Subject to board review and its responsibilities under Subsection (1)(e), the board may delegate authority to make daily investment decisions.

(3) The fund may form or acquire a subsidiary or enter into a joint enterprise:

- (a) only if that action is approved by the board; and
- (b) subject to the limitations in Section 31A-33-103.5.